

Sec. 19-16. Municipal motor vehicle parking lot decal program.

(a) *Municipal lots established.* Municipal motor vehicle parking lots or areas may be designated by the Village Council by ordinance from time to time (collectively "Municipal Parking Lots"). The ordinance establishing each parking lot shall contain specific rules and regulations applicable to that particular lot or area. Such rules and regulations shall be enforceable as law.

(b) *Prohibition.* It shall be unlawful to park a motor vehicle in a Municipal Parking Lot unless an authorized motor vehicle parking decal as issued by the Village pursuant to this section is displayed on such vehicle (the "Decal"). The term "vehicle" includes motor vehicles, motorcycles and golf carts.

(c) *Issuance of Decals:*

(1) A Decal shall be issued by the Village upon application and payment of fees, only to persons residing within the Village. The Decal fee shall be \$1.00 per calendar year and shall be subject to annual renewal.

(2) The application for a Decal shall be on a form as required by the Village. One Decal shall be issued for each vehicle. A copy of the vehicle registration shall be submitted for each Decal application. Replacement Decals may be issued upon proof that the prior Decal was lost, stolen or destroyed. If the current applicant is a residential lessee, a copy of a current valid lease showing proof of residency shall be made part of the application. Residents of the Village shall provide a copy of their motor vehicle operator's license, car registration and a recent FP&L electric service bill as proof of residency.

(3) The Decal shall be displayed in a location on the vehicle as designated by the Village Manager.

(4) The Village is hereby authorized to make provisions for the issuance of temporary permits to seasonal visitors or occupants of residences in the Village.

(d) *Parking in Decal area.*

(1) A Decal shall not guarantee or reserve to the holder a parking space within a Municipal Parking Lot.

(2) A Decal shall not authorize the holder to park in spaces or areas designated by law as restricted or prohibited parking (loading zones, fire hydrants, disabled or other such regulated areas) nor shall it exempt him or her from the observance of any traffic regulations.

(3) The Village shall cause signs to be erected in Municipal Parking Lots, indicating the locations where Decal parking shall be permitted and clearly stating "Tow Away Zone."

(e) *Enforcement.* Vehicles found within Municipal Parking Lots, without current and valid Decals, or in violation of applicable rules and regulations:

(1) Shall be subject to issuance of a uniform parking citation pursuant to Section 30-388.25 of the Metropolitan Dade County Code; and

(2) Shall be subject to being towed, removed and stored pursuant to Section 30-384 of the Metropolitan Dade County Code.

(f) *Decal violations.* It shall be unlawful for any person to represent that he or she is entitled to a Decal when he or she is not entitled, or to hold or display such a Decal at any time when he or she is not so entitled.

(g) *Revocation of Decals and penalties.*

(1) Upon provision of ten days' prior notice by mail and an opportunity to be heard by the Village Clerk, the Village Clerk is authorized to revoke the Decal of any individual found to be in violation of the provisions of this section.

(2) Failure to surrender a revoked Decal within ten working days of written notification from the Village Clerk shall be subject to the following penalties:

a. The violator shall not be allowed to re-apply for another Decal for six months.

b. Once restored, if the Decal holder should once again have their Decal revoked by the Village Clerk, the Decal holder would be barred from applying for a new Decal for a one-year period.

(h) *Penalty.* Pursuant to section 1-14 of this Code, any person who violates any provisions of this section shall, upon conviction, be punished by a fine not to exceed \$500.00 or imprisonment in the County jail not to exceed 60 days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate violation. Pursuant to section 2-31 et seq. of this Code, this section shall be subject to enforcement under the Local Government Code Enforcement Act, F.S. ch. 162, as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.

Sec. 26-21. Legislative intent.

It is the intent of this article to permit and regulate the use of Golf Carts within the Designated Streets of the Village, during non-restricted hours by licensed drivers operating Golf Carts which have passed a safety inspection.

(Ord. No. 97-2, § 1, 1-14-97)

Sec. 26-22. Definitions.

Designated Streets. All streets within the Village except Crandon Boulevard.

Golf Cart. A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes as defined in F.S. ch. 316.003(68).

Permit. An official authorization designating that the Golf Cart to which the authorization is affixed meets the requirements of state law and the Village Code.

Slow Moving Vehicles. Any vehicle designed for use and speeds less than 25 miles per hour.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 97-23, § 1, 11-18-97)

Sec. 26-23. Authorized use.

(a) Licensed drivers may operate Golf Carts which have been inspected and issued Permits by the Village Police Department on all Designated Streets within the Village between sunrise and sunset.

(b) A Permit to use a Golf Cart on a Designated Street does not permit entry onto private property or semi-private property, including retail parking lots, private roads or common areas in condominiums. Access to these areas may be regulated by the property owners and/or property managers.

(c) Golf Carts that are intended to be leased for any amount of time or to be sold shall only be stored on property that has a Main Permitted Use of a Motel, Hotel, or a use involved in the retail sale of gasoline. The storage of the Golf Carts shall not occur within ten feet of any property line that faces a street. Golf Carts with signs shall be parked only in a C-1 Light Intensity commercial District, O-1 Low Intensity Office District, or at a hotel or motel.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 2002-5, § 3, 5-28-02)

Sec. 26-24. Prohibited use.

The operation in the Village of any Golf Cart in the following manner or under the following conditions is prohibited:

- (1) Without a valid, current driver's license;
- (2) During hours between sunset and sunrise without being equipped with headlights and a windshield;
- (3) Without a valid, current Permit issued by the Village Police Department and affixed to the Golf Cart in a conspicuous location.
- (4) In violation of State or County traffic regulations;
- (5) Anywhere on the roadway surface of Crandon Boulevard, except to cross that thoroughfare at marked intersections or intersections regulated by a traffic signal or to travel north or south upon Crandon Boulevard solely for the purpose of reaching the immediately next intersection. The operation of Golf Carts upon Crandon Boulevard pursuant to this subsection (5) shall be subject to authorization from Metro-Dade County pursuant to F.S. § 316.212(1);
- (6) On the beaches, parks, bicycle paths, sidewalks, or swales of the Village;
- (7) Parking in violation of posted regulations;
- (8) Obstructing or interfering with normal traffic flow; and
- (9) Carrying more passengers than those for which the Golf Cart was designed.

(Ord. No. 97-2, § 1, 1-14-97; Ord. No. 97-23, § 2, 11-18-97)

Sec. 26-25. Inspection.

- (a) Each Golf Cart shall be inspected by the Village annually.
- (b) Upon submitting a completed Permit application, proof of insurance and the payment of a \$15.00 application fee, the Village Police Department will schedule an inspection to ensure that the required equipment is installed and operating properly.
- (c) The application fees will be deposited into the General Operating Funds of the Village.
- (d) The Village Police Department shall issue a Permit to a Golf Cart which passes the inspection. The Permit shall be displayed in a conspicuous location on the Golf Cart.

(Ord. No. 97-2, § 1, 1-14-97)

Sec. 26-26. Required equipment.

A Golf Cart must be equipped with:

- (1) Efficient brakes;
- (2) Reliable steering apparatus;
- (3) Safe tires;
- (4) Rear view mirrors;
- (5) Red reflectorized warning devices, both in the front and the rear;
- (6) Rear stop lamps meeting the minimum standards of F.S. §316.234(1);
- (7) Turn signals meeting the minimum standards of F.S. § 316.234(2); and
- (8) Safety belts.

(Ord. No. 97-2, § 1, 1-14-97)

Sec. 26-27. Slow Moving Vehicles.

Golf Carts meeting the definition of Slow Moving Vehicle must also have a "SMV" triangular emblem attached to the Golf Cart pursuant to Metro-Dade Ordinance No. 71-94.

(Ord. No. 97-2, § 1, 1-14-97)

Sec. 26-28. Operators.

Drivers must hold a current, valid driver's license in order to operate a Golf Cart upon the streets of the Village.

(Ord. No. 97-2, § 1, 1-14-97)

Sec. 26-29. Traffic laws.

(a) Operators of Golf Carts using Designated Streets within the Village are required to observe all traffic laws as if they were operating any other motor vehicle.

(b) While traveling on Designated Streets, operators and passengers of Golf Carts must comply with applicable State law as to the requirements and usage of safety belts and child restraint equipment.

(c) Owners and operators of Golf Carts shall comply with applicable State law pertaining to insurance requirements.

(Ord. No. 97-2, § 1, 1-14-97)

Sec. 26-30. Enforcement.

The Village Police Department shall be responsible for enforcing this article.

(Ord. No. 97-2, § 1, 1-14-97)

Sec. 30-11. Definitions.

Sign, Vehicle. A Sign affixed to or painted on a transportation vehicle, including automobiles, trucks, boats, Trailers, golf carts, and campers, for the purpose of identification or of advertising the commercial use associated with the vehicle.

Sec. 30-101. Commercial districts.

(e) *Performance Standards* (all items apply to uses in the C-1 District).

(7) Commercial properties may provide two way access from Fernwood Road for pedestrians, bicycles, and golf carts; however, the access shall be sited in a manner which does not result in a direct route to Crandon Boulevard.

Sec. 30-184. Amount of required off-street Parking.

(d) Uses in the C-1 District shall provide one golf cart space per 50 vehicular spaces.

Sec. 30-197. Supplemental Regulations.

(i) *Signs on Golf Carts.*

(1) For purposes of this paragraph, a Golf Cart is defined as a motor vehicle designed and manufactured primarily for operation on a golf course for sporting or recreational purposes as defined in Chapter 316.003(68), Florida Statutes.

(2) Signs shall be attached to or painted on the vehicle and located below the roof, One sign per Golf Cart is permitted with a maximum size of two square feet. The sign shall not be illuminated.

(3) For a Golf Cart sign related to a commercial use, the business which is the subject of the sign shall have a Village of Key Biscayne Local Business Tax Receipt with an office located in a C-1 Light Intensity Commercial District, O-1 Low Intensity Office District, or at a Hotel or Motel.